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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,243	10/25/2004	Kiyotaka Uchimoto	4035-0169PUS1	8938
2292 7590 01/07/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER LUDWIG, MATTHEW J				
ART UNIT 2178		PAPER NUMBER		
NOTIFICATION DATE 01/07/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/500,243

Applicant(s)

UCHIMOTO ET AL.

Examiner

MATTHEW J. LUDWIG

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-7 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment received 9/25/2009.
2. Claims 1, 4-7, and 10-15 are pending in the application. Claims 1 and 7 are independent claims.
3. Claims 1, 4-7, and 10-15 rejected under 35 U.S.C. 102(e) as being anticipated by Shanahan et al., have been withdrawn pursuant to applicant's amendments.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(c) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. **Claims 1, 4-7 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Wakita et al., PGPub. US 2002/0010573 filed (3/12/2001).**

In reference to independent claim 1, Wakita teaches:

'an input step using input means for inputting only parts of the sentence where the natural sentence is characteristic of a style or an expression,

an extraction step using extracting means for extracting at least one candidate sentence part or phrase, which includes an inputted part of the sentence, from a database, and

a text generation step using text generation means for generating a natural sentence using the inputted parts of the sentence and the extracted at least one candidate sentence part or phrase,

wherein parser means morphologically analyzes and parses the extracted at least one sentence part or phrase to obtain a syntactic probability of the appropriateness of the order of candidate sentence parts or phrases by applying a statistical technique using a syntactic model, thereby generating a sentence having a maximum probability of being a natural sentence which is characteristic of the style or expression'.

The reference provides a means of text input (sentence/parts of sentence) and allows for the extraction of text from a database based upon the text input. The text input is compared to key words matched in a database and analyzed using various methods which suggest proficient methods for the creation of a natural sentence in another language. See figures 6-12 and pages 9-11. Wakita discloses in the background of the invention a means of morphologically analyzing the extracted text to obtain a syntactic structure based upon common usage. It selects the most appropriate sentence based upon a model and generates a sentence having a maximum probability of being a correct sentence. See page 1, [0013 through 0018] and page 2, [0019 through 0020]. The claim recites a sentence which characteristic of the style or expression. Wakita discloses several different types of language which include a specific style.

In reference to dependent claim 4, Wakita teaches:

The obtained target language sentence is input to output sentence generating means which corrects grammatical unnaturalness of the target language sentence. For example, the output sentence generating means performs processing such as optimization of a pronoun, a verb and an auxiliary verb. Further, it performs optimization of the overall structure of the sentence. See page 2, [0019 through 0020].

In reference to dependent claim 5, Wakita teaches:

The text generation method of Wakita utilizes a model of word insertion based upon key word dictionaries and classified vocabulary tables. The reference provides a suggestion of inserting keywords into the database and extracting key words based upon a specific model and probabilities. See figures 10a through 13b.

In reference to dependent claim 6, Wakita teaches:

Figures 13a through 13b illustrates a database containing text having a characteristic text pattern, the text generation means generates text in accordance with the characteristic text pattern. See figures 13a through 13b.

In reference to claims 7, 10, 11-15, the claims recite apparatus claims for carrying out similar text generating steps found in claims 1, 4, 5, and 6. Therefore, the claims are rejected under similar rationale.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-7 and 10-15 have been considered but are moot in view of the new ground(s) of rejection.

Applicant amended the claims and thus changed the scope of the invention when read as a whole. More specifically, the language in the independent claims now recite 'natural sentence wherein the natural sentence is characteristic of a style or an expression', 'syntactic structures' as well as the 'appropriateness of the order' of candidate sentence parts. The changes overcame the prior art of record however the examiner replaced the rejection with a new rejection based upon the amendments to the claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit
2178

ML